

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

FILED
U.S. DISTRICT COURT
MIDDLE DISTRICT OF TENN.
JUN 12 2013

BY *[Signature]*
DEPUTY CLERK

UNITED STATES OF AMERICA)	
)	NO. 3:13-00090
v.)	
)	
(1) GUTEMBERG ALCARAZ)	18 U.S.C. § 2(a)
(2) WENDY CRUZ)	18 U.S.C. § 371
(3) SULIANA DIAZ-OROZCO)	18 U.S.C. § 641
(4) MERCEDES MARDALI GARCIA-LINDO)	18 U.S.C. § 1341
(5) JOSEPHINA LOPEZ-LAJUJ)	
(6) MARCO TULIO POLANCO-ALVARADO)	
(7) MERIN OMAR POLANCO-GUEVARA)	
(8) YONI LINARES-AGUILAR)	
(9) JUAN CASTRO-CASTRO)	
(10) JUAN MEJIA-MIRANDA)	
(11) OSVALDO NIETO-VEGA)	
(12) MARIO LIZARDO-PAGUADA)	
(13) ALMA YOSANA RAMOS-LIZARDO)	
(14) SUYAPA ROMERO ESCOBAR)	

S U P E R S E D I N G I N D I C T M E N T

COUNT ONE

THE GRAND JURY CHARGES:

From in or about January 2012 and continuing to on or about the date of this indictment, in the Middle District of Tennessee and elsewhere, (1) **GUTEMBERG ALCARAZ;** (2) **WENDY CRUZ;** (3) **SULIANA DIAZ-OROZCO;** (4) **MERCEDES MARDALI GARCIA-LINDO;** (5) **JOSEPHINA LOPEZ-LAJUJ;** (6) **MARCO TULIO POLANCO-ALVARADO;** (7) **MERIN OMAR POLANCO-GUEVARA;** (8) **YONI LINARES-AGUILAR;** (9) **JUAN CASTRO-CASTRO;** (10) **JUAN MEJIA-MIRANDA;** (11) **OSVALDO NIETO-VEGA;** (12) **MARIO LIZARDO-PAGUADA;** (13) **ALMA**

YOSANA RAMOS-LIZARDO ; (14) SUYAPA ROMERO ESCOBAR; and other persons known and unknown to the Grand Jury, did combine, conspire, confederate and agree with each other and other persons known and unknown to the Grand Jury, to defraud the United States and the Department of the Treasury, an agency and department thereof; and to commit and aid and abet the commission of one or more offenses against the United States, that is, mail fraud, a violation of Title 18, United States Code, Section 1341; and theft of public money, a violation of Title 18, United States Code, Section 641.

Overt Acts

To effect the object of the conspiracy, one or more of the above conspirators engaged in and did one or more of the following overt acts, among others:

1. On or about April 17, 2013, in the Middle District of Tennessee, **MERIN OMAR POLANCO-GUEVARA** obtained and took possession of two federal income tax refund checks issued in the name of another person or persons, which had been delivered by mail.

2. On or about May 7, 2013, in the Middle District of Tennessee, **JOSEPHINA LOPEZ-LAJUJ** cashed two federal income tax refund checks which had been delivered by mail and issued in the name of another person or persons, at Cash City, a check cashing business located on Nolensville Road in Nashville, Tennessee.

3. On or about May 8, 2013, in the Middle District of Tennessee, **MARCO TULIO POLANCO-ALVARADO** cashed three federal income tax refund checks which had been delivered by mail and issued in the name of another person or persons, at Cash City, a check cashing business located on Nolensville Road in Nashville, Tennessee.

4. On or about May 10, 2013, in the Middle District of Tennessee, **GUTEMBERG ALCARAZ** cashed three federal income tax refund checks which had been delivered by mail and

issued in the name of another person or persons, at Cash City, a check cashing business located on Nolensville Road in Nashville, Tennessee.

5. Between in or about April 2013 and May 2013 **MERCEDES MARDALI GARCIA-LINDO** cashed two federal income tax refund checks which had been delivered by mail and issued in the name of another person or persons, at Cash City, a check cashing business located on Nolensville Road in Nashville, Tennessee.

6. On or about May 14, 2013, in the Middle District of Tennessee, **YONI LINARES-AGUILAR** cashed two federal income tax refund checks which had been delivered by mail and issued in the name of another person or persons, at Cash City, a check cashing business located on Nolensville Road in Nashville, Tennessee.

7. On or about May 23, 2013, in the Middle District of Tennessee, **JUAN CASTRO-CASTRO** cashed three federal income tax refund checks which had been delivered by mail and issued in the name of another person or persons, at Cash City, a check cashing business located on Nolensville Road in Nashville, Tennessee.

8. On or about May 22, 2013, in the Middle District of Tennessee, **OSVALDO NIETO-VEGA** cashed a federal income tax refund check which had been delivered by mail and issued in the name of another person or persons, at Cash City, a check cashing business located on Nolensville Road in Nashville, Tennessee.

9. On or about April 1, 2013, in the Middle District of Tennessee, **JUAN MEJIA-MIRANDA** cashed a federal income tax refund check which had been delivered by mail and issued in the name of another person or persons, at Cash City, a check cashing business located on Nolensville Road in Nashville, Tennessee.

10. On or about May 31, 2013, in the Middle District of Tennessee, **MARIO LIZARDO-PAGUADA** cashed five federal income tax refund checks which had been delivered

by mail and issued in the name of another person or persons, at Cash City, a check cashing business located on Nolensville Road in Nashville, Tennessee.

11. On or about May 31, 2013, in the Middle District of Tennessee, **ALMA YOSANA RAMOS-LIZARDO** caused a federal income tax refund check which had been obtained by filing a false and fraudulent income tax return and which had been delivered by mail, to be cashed at Cash City, a check cashing business located on Nolensville Road in Nashville, Tennessee.

12. On or about June 5, 2013, in the Middle District of Tennessee, **SUYAPA ROMERO ESCOBAR** cashed two federal income tax refund checks which had been delivered by mail and issued in the name of another person or persons, at Cash City, a check cashing business located on Nolensville Road in Nashville, Tennessee.

In violation of 18, United States Code, Sections 371 and 2.

COUNTS TWO THROUGH ELEVEN

THE GRAND JURY FURTHER CHARGES:

A. From in or about January 2012 and continuing to on or about the date of this indictment, in the Middle District of Tennessee and elsewhere, **(1) GUTEMBERG ALCARAZ; (2) WENDY CRUZ; (3) SULIANA DIAZ-OROZCO; (4) MERCEDES MARDALI GARCIA-LINDO; (5) JOSEPHINA LOPEZ-LAJUJ; (6) MARCO TULIO POLANCO-ALVARADO; (7) MERIN OMAR POLANCO-GUEVARA; (8) YONI LINARES-AGUILAR; (9) JUAN CASTRO-CASTRO; (10) JUAN MEJIA-MIRANDA; (11) OSVALDO NIETO-VEGA; (12) MARIO LIZARDO-PAGUADA; (13) ALMA YOSANA RAMOS-LIZARDO; (14) SUYAPA ROMERO ESCOBAR;** and other persons known and unknown to the Grand Jury, devised and intended to devise a scheme and artifice to obtain money

by means of false and fraudulent pretenses and representations, in the following manner and using the following means:

1. Between in or about the above stated dates, one or more of the above named defendants requested, received and obtained assorted identification information that included names, dates of birth and individual taxpayer identification numbers, commonly referred to as "ITINs," which were intended for use in filing false and fraudulent federal income tax returns.

2. Between in or about the above stated dates, one or more of the above named defendants applied for, requested, received and obtained individual taxpayer identification numbers, which were intended for use in filing false and fraudulent federal income tax returns.

3. Between in or about the above stated dates, one or more of the above named defendants filed and knowingly caused false and fraudulent federal income tax returns to be filed, which contained materially false representations pertaining to the purported tax payer named therein, including the purported taxpayer's name, address, earnings, dependents, federal income taxes withheld and income tax refund owed.

4. Between in or about the above stated dates, one or more of the above named defendants knowingly caused federal income tax refund checks that had been issued as a result of the submission of false and fraudulent federal income tax returns, to be sent and delivered by the Postal Service.

5. Between in or about the above stated dates, one or more of the above named defendants obtained, received and took federal income tax refund checks that had been issued as a result of the submission of false and fraudulent federal income tax returns, and which had been delivered by mail.

6. Between in or about the above stated dates, one or more of the above named defendants negotiated and cashed federal income tax refund checks that had been issued as a result of the

submission of false and fraudulent federal income tax returns, and thereby fraudulently obtained, stole, purloined, knowingly converted, used and conveyed proceeds of such checks, such proceeds being public moneys and funds of the United States and the Department of the Treasury, a department and agency thereof, and which collectively exceeded the value of \$1,000,000.

B. In or about the dates set forth below, for the purpose of executing the above described scheme and attempting to do so, **(1) GUTENBERG ALCARAZ; (2) WENDY CRUZ; (3) SULIANA DIAZ-OROZCO; (4) MERCEDES MARDALI GARCIA-LINDO; (5) JOSEPHINA LOPEZ-LAJUJ; (6) MARCO TULIO POLANCO-ALVARADO; (7) MERIN OMAR POLANCO-GUEVARA; (8) YONI LINARES-AGUILAR; (9) JUAN CASTRO-CASTRO; (10) JUAN MEJIA-MIRANDA; (11) OSVALDO NIETO-VEGA; (12) MARIO LIZARDO-PAGUADA; (13) ALMA YOSANA RAMOS-LIZARDO; (14) SUYAPA ROMERO ESCOBAR;** and other persons known and unknown to the Grand Jury, caused federal income tax refund checks to be deposited into, sent and delivered by mail and the Postal Service according to directions thereon and at a place directed for delivery; and did take and receive such checks from the mails following such delivery, each count below representing a separate mailing, use of the mails in furtherance of the above scheme, and violation of federal law:

COUNT	DATE	MAILED TO	CHECK AMOUNT
Two	Between on or about April 18, 2012 and on or about April 24, 2012	535 Nissan Dr. Apt. 16 Smyrna TN	\$9092
Three	Between on or about February 25, 2013 and on or about May 10, 2013	813 Lincoya Bay Dr. Nashville TN	\$7817
Four	Between on or about March 29, 2013 and on or about April 17, 2013	371 Wallace Road Apt. 22 Nashville TN	\$7257
Five	Between on or about May 3, 2013 and on or about May 7, 2013	308 Plus Park Blvd Apt. P 6 Nashville, TN	\$9076

Six	Between on or about May 3, 2013 and on or about May 8, 2013	727 Bell Road Apt 1413 Antioch TN	\$8579
Seven	Between on or about May 3, 2013 and on or about May 10, 2013	5403 California Avenue Nashville TN	\$8018
Eight	Between on or about April 5, 2013 and on or about April 23, 2013	6406 Hazel Street Little Rock AR	\$1077
Nine	Between on or about April 19, 2013 and on or about April 25, 2013	180 Wallace Rd Apartment M 1 Nashville TN	\$7407
Ten	Between on or about May 3, 2013 and on or about May 6, 2013	180 Wallace Rd Apartment M 1 Nashville TN	\$7402
Eleven	Between on or about March 27, 2013 and on or about April 1, 2013	293 Jefferson Pike Lot 49 Smyrna TN	\$7596

Each count above in violation of 18, United States Code, Sections 1341 and 2(a).

COUNT TWELVE THROUGH TWENTY-THREE

THE GRAND JURY FURTHER CHARGES:

On or about the dates set forth below, in the Middle District of Tennessee and elsewhere, each defendant named in the following counts did steal, purloin and knowingly convert to their own use and did without authority sell, convey and dispose of a voucher, money and thing of value of the United States and the Department of the Treasury, a department and agency thereof, that is, one or more federal income tax refund checks, each of which was more than \$1000 in value.

COUNT	DATE	DEFENDANT	CHECK AMOUNT
TWELVE	May 7, 2013	JOSEPHINA LOPEZ-LAJUJ	\$9129
THIRTEEN	May 8, 2013	MARCO TULIO POLANCO-ALVARADO	\$8579
FOURTEEN	May 10, 2013	GUTEMBERG ALCARAZ	\$8018

FIFTEEN	April 23, 2013	MERCEDES MARDALI GARCIA-LINDO	\$1077
SIXTEEN	April 25, 2013	MERCEDES MARDALI GARCIA-LINDO	\$7407
SEVENTEEN	May 14, 2013	YONI LINARES-AGUILAR	\$7824
EIGHTEEN	May 23, 2013	JUAN CASTRO-CASTRO	\$6214
NINETEEN	April 1, 2013	JUAN MEJIA-MIRANDA	\$7596
TWENTY	May 22, 2013	OSVALDO NIETO-VEGA	\$9149.03
TWENTY-ONE	May 31, 2013	MARIO LIZARDO-PAGUADA	\$8907
TWENTY-TWO	May 31, 2013	ALMA YOSANA RAMOS-LIZARDO	\$7911
TWENTY-THREE	June 5, 2013	SUYAPA ROMERO ESCOBAR	\$7240.82

Each of the above counts in violation of Title 18, United States Code, Sections 641 and 2.

COUNTS TWENTY-FOUR AND TWENTY-FIVE

THE GRAND JURY FURTHER CHARGES:

On or about the dates set forth below, in the Middle District of Tennessee and elsewhere, each defendant named in the following counts did receive, conceal and retain a voucher, money and thing of value of the United States and the Department of the Treasury, a department and agency thereof, that is, one or more federal income tax refund checks, each of which was more


than \$1000 in value, with intent to convert the same to his or her own use and gain, knowing the same to have been stolen, purloined and converted.

COUNT	DATE	DEFENDANT
TWENTY-FOUR	April 17, 2013	MERIN OMAR POLANCO-GUEVARA
TWENTY-FIVE	May 10, 2013	SULIANA DIAZ-OROZCO

Each of the above counts in violation of Title 18, United States Code, Sections 641 and 2.

A TRUE BILL


FOREPERSON



DAVID RIVERA
ACTING UNITED STATES ATTORNEY



HILLIARD HESTER
ASSISTANT UNITED STATES ATTORNEY